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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 16th Day of April 1998

B E F O R E

THE HON'BLE MR. JUSTICE H.N. NARAYAN

C.R.P. No .3284/1997

Between:

Sri K. Raja Rao,
S/o Krishna Rao,
major, r/o Gabbiga
village, Nagara Hobli,
Hosanagara Taluk,
Shimoga District.

...Petitioner

(By Sri G.Venkatachala, Advocate)

A n d :

1) Special Land Acquisition
Officer, Chakra,
Savehaklu & Varahi Project,
Shimoga.

...Respondent

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This C.R.P. is filed under Section 115 of CPC,
against the order dt. 16.7.96 in Ex.No.70/94 on the
file of the Civil Judge, Sagar, ordering that A.P.
to identifying the signature.

This C.R.P. coming on for Admission this day,
the Court made the following:-

O R D E R

This matter coming on for admission today, is
taken up for final disposal by the consent of parties.
Heard and disposed of by this Order.

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2. The Executing Court while executing the case ordered that the judgment debtor has deposited the amount in excess of the claim made by the decree holder according to the court's calculation. Therefore, it directed the excess amount to be returned to the Land Acquisition Officer. The grievance of the petitioner is that the impugned order had been passed without hearing him as the calculation memo filed by him is correct and is entitled for the entire amount in deposit. The submission of the learned counsel in this respect is justifiable and it is justifiable for the Trial Court to call the petitioner before passing the order.

3. Revision is, therefore, allowed. The impugned order is set-aside. The Trial Court is directed to pass appropriate order after hearing the decree holder.

Sd/-
JUDGE